



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,280	06/19/2001	Clifford L. Hersh	PA1763US	3918
22830	7590	12/17/2004	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			CAMPBELL, JOSHUA D	
			ART UNIT	PAPER NUMBER

2179

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/884,280

Applicant(s)

HERSH, CLIFFORD L.

Examiner

Joshua D Campbell

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed on 06/19/2001.
2. Claims 1-13 are pending in this case. Claims 1, 4-9, and 11-13 are independent claims.

### ***Drawings***

3. The drawings were received on 06/19/2001. These drawings are accepted.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4-6, and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gostanian et al. (hereinafter Gostanian, US Patent Number 5,781,910, issued on July 14, 1998).

**Regarding independent claim 1**, Gostanian discloses a method in which it is determined that two or more operations are operable on the same element and that the operations are in kind operations (column 10, line 15-column 11, line 10 of Gostanian). It is then determined that the operations are addition operations, thus commutative (column 10, line 15-column 11, line 10 of Gostanian).

**Regarding dependent claim 2,** Gostanian discloses a method in which it is determined that the result of two operations is listed as commutative and thus are allowed to execute if it is determined that the result would be identical if the operations were run in any order, which would include two identical assignment statements (column 10, line 15-column 11, line 10 of Gostanian).

**Regarding independent claims 4-6, 9, and 11,** the claims incorporate substantially similar subject matter as claim 1. Thus, the claims are rejected under the same rationale as claim 1.

**Regarding dependent claims 10,** the claim incorporates substantially similar subject matter as claim 2. Thus, the claim is rejected under the same rationale as claim 2.

**Regarding independent claims 12 and 13,** Gostanian discloses a method in which computation operations will be executed based on no direct limits (thus no limit is violated) and other requirements are met (column 10, line 15-column 11, line 10 of Gostanian). In one case, the operations will be executed if they are not operational on the same elements (column 10, line 15-column 11, line 10 of Gostanian). In another case they will execute if they operate on the same element and they are both addition (column 10, line 15-column 11, line 10 of Gostanian). In yet another case they will execute if they operate on the same element and they are assigning the same value to the element, based on the fact that Gostanian discloses a method in which it is determined that the result of two operations is listed as commutative and thus are allowed to execute if it is determined that the result would be identical if the operations

were run in any order, which would include two identical assignment statements (column 10, line 15-column 11, line 10 of Gostanian).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gostanian et al. (hereinafter Gostanian, US Patent Number 5,781,910, issued on July 14, 1998).

**Regarding dependent claim 3,** Gostanian discloses that in the example of a deposit account it would be imperative to process some addition operations (i.e. deposit and withdrawal) in order to keep a deposit account from falling to a negative value when it should not (column 1, lines 40-63 of Gostanian). Although, this is not directly disclosed as violating a limit it would have been obvious to one of ordinary skill in the art at the time the invention was made that the inability of an account to go negative is a numerical limit that if violated would not have allowed operations to execute in a commutative fashion.

**Regarding independent claims 7 and 8,** Gostanian discloses that in the example of a deposit account it would be imperative to process some addition operations (i.e. deposit and withdrawal) in order to keep a deposit account from falling

Art Unit: 2179

to a negative value when it should not (column 1, lines 40-63 of Gostanian). Gostanian discloses a method in which it is determined that the result of two operations is listed as commutative and thus are allowed to execute if it is determined that the result would be identical if the operations were run in any order (column 10, line 15-column 11, line 10 of Gostanian). Based on this definition of commutative and the fact that limit of the deposit account example, the operations can not run when the limit is violated because it is based on an order, thus the operations are not commutative if the limit is violated. Although, this is not directly disclosed as violating a limit it would have been obvious to one of ordinary skill in the art at the time the invention was made that the inability of an account to go negative is a numerical limit that if violated would not have allowed operations to execute in a commutative fashion.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 5,671,407

US Patent Number 6,240,414

US Patent Number 6,324,535

US Patent Number 6,754,657

US Patent Number 6,772,154

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC  
December 10, 2004.

  
HEATHER R. HERNDON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100